

REMARKS/ARGUMENTS

The office action of May 29, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 9, 13, 15, 17, 20 and 28 are pending in this application. Claims 2-8, 10-12, 14, 16, 18, 19, and 21-27 are canceled.

Claims 1-20, 22-24, and 26-27 stand rejected under 35 USC 112, second paragraph, as indefinite. Claim 1 has been amended to define the term "optional substituents" as defined on pages 9-10 of the specification. Claims 2-8, 10-12, 14, 16, 18, 22-24 and 26-27 have been canceled. Withdrawal of this rejection is requested.

Claims 1-20, 22-24, and 26-27 stand rejected under 35 USC 112, first paragraph, as non-enabling for the term "solvates."

The Office Action considers that "not all solvents can form solvates with all compounds." This is true, but it does not mean that solvates are not enabled. Every medicinal chemist knows that in the case of a given solvate and a given compound, the process for making a solvate, if it exists for that combination, is routine and straightforward. One simply dissolves as much as possible of the given compound in a quantity of hot solvent, and either then cools or adds a counter-solvent to cause precipitation of solids. Those solids are dried and either constitutes a solvate (i.e. a compound incorporating a consistent stoichiometric ratio of solvent to compound) or not. The solvate can be identified by, for example X-ray powder diffraction, differential scanning calorimetry and NMR methods. All of these steps are very routine practices to one skilled in the art. Hence, one skilled in the art reading this application knows how to prepare a solvate, if one exists, in any given case. It is not undue experimentation because the processes and test methods are common knowledge and routine. Withdrawal of this rejection is requested.

Claims 1-20, 22-24, and 26-27 stand rejected under 35 USC 112, first paragraph, as the scope of the elected substituted pyrazoles being claimed is not enabled. In order to advance prosecution, claim 1 has been amended in accordance with claims 4 and 8 and the optional substituents identified on pages 9-10 of the specification. Moreover, the term "cyc"

has been limited to a phenylene radical. It is believed that claim 1 as amended is fully enabled by the description and examples in the specification. Withdrawal of this rejection is requested.

Claims 22, 26, and 27 also stand rejected under 35 USC 112, first paragraph, as non-enabling for treatments and uses claimed. Solely to advance prosecution and not in acquiescence that the rejection is correct, these claims have been canceled.

CONCLUSION

If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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